

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

23-CR-99

SCOTT BARNES,

Defendant,

**GOVERNMENT'S NOTICE OF MOTION TO EXTEND THE TIME
TO FILE PRE-TRIAL SUBMISSIONS**

PLEASE TAKE NOTICE that upon the annexed Affirmation of Stacey N. Jacovetti, Assistant United States Attorney, the undersigned moves this Court to for an extension of four days of the pre-trial submission deadlines listed in the Court's pre-trial order. (Doc. 305).

DATED: Buffalo, New York, December 19, 2024.

TRINI E. ROSS.
United States Attorney

BY: s/STACEY N. JACOVETTI
Assistant United States Attorney
United States Attorney's Office
Western District of New York
138 Delaware Avenue
Buffalo, New York 14202
716/843-5708
Stacey.Jacovetti@usdoj.gov

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

23-CR-99

SCOTT BARNES,

Defendants,

**AFFIRMATION REGARDING MOTION TO
EXTEND THE TIME TO FILE PRE-TRIAL SUBMISSIONS**

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

STACEY N. JACOVETTI, swears and affirms:

1. I am an Assistant United States Attorney duly appointed in the Western District of New York and in that capacity, I have been assigned to handle this matter on behalf of the Government.

2. I submit this affirmation in support of the Government's motion to extend the time for which the government, and the defense, have to file their pre-trial submissions.

3. Currently, this matter is set for a jury trial on January 27, 2025. According to Court's Pretrial Order, the parties are to file their pre-trial submissions on December 23, 2024, with a pre-trial conference scheduled for Wednesday, January 22, 2025. Recently, at the

parties' request, the Court requested a change of plea hearing for defendant Barnes be scheduled for December 27th at 10:00 a.m. The outcome of that hearing may affect the substance of the government's submissions, the need or lack of need for potential witnesses, the jury instructions and potential arguments about the admission, relevance or need for certain items of evidence, among other issues.

4. Counsel for the defendant Scott Barnes, David Cotter, Esq., consents to the government's extension request. Given the defendant's consent, and the short nature of the adjournment, the brief extension should not affect the remaining dates set in the Court's scheduling order and should also avoid the filing of successive amended pre-trial submissions. The defendant already has a significant portion of the 3500/Jencks material in this case.

5. The government is requesting an extension of time within which to file pre-trial submissions to Friday, December 27, 2024.

WHEREFORE, the United States respectfully requests an extension of time, for all parties to file their pre-trial submissions, until Friday, December 27, 2024.

s/STACEY N. JACOVETTI
Assistant United States Attorney
United States Attorney's Office
Western District of New York
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Buffalo, New York 14202
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Stacey.Jacovetti@usdoj.gov